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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,770	11/04/1999	CYNTHIA M. MERKIN	M-7826-US	4340
27683	7590	11/28/2005	EXAMINER	
HAYNES AND BOONE, LLP			SMITHERS, MATTHEW	
901 MAIN STREET, SUITE 3100			ART UNIT	
DALLAS, TX 75202			PAPER NUMBER	

2137

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/434,770

Applicant(s)

MERKIN, CYNTHIA M.

Examiner

Matthew B. Smithers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,10-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,10-18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 12, 2005 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 5-7, 10-18 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 7, 10-18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 6,108,785 granted to Poisner.

Regarding claim 1, Poisner meets the claimed limitation as follows:

"A computer system comprising:

an authorized user identification device;" see column 2, line 10 (key device)

"at least one processor coupled to the computer system;

a non-line-of-sight proximity range actuated identification signal detection circuit for receiving a wireless identification signal from the identification device, the wireless identification signal containing identification information regarding one or more users of the device;" see column 3, lines 10-17 (. . . checks for the presence of an authentic key device . . .); column 3, lines 50-58 and column 4, lines 8-30

"a memory having means for determining whether the user of the identification device as indicated by the wireless identification signal, has authorized access to computer information accessible by the computer system;

means for maintaining the computer system in a low power state except when the user identification device is in the proximity range;" see column 2, lines 21-35 (. . . non-operational low power mode . . .)

"and a means for granting and maintaining access to computer information accessible by the computer system if it is determined that the user as indicated by the wireless identification signal is authorized access and remains in the proximity range, wherein the granting access to computer information accessible by the computer

system further includes placing the computer system in a higher power state from the lower power state." see column 4, lines 8-30.

Regarding claim 2, Poisner meets the claimed limitation as follows:

"The computer system of claim 1 further comprising: a memory circuit programmable to store a list of at least one user having authorized access to computer information assessable by the computer system." see column 2, line 66 to column 3, line 8.

Regarding claim 6, Poisner meets the claimed limitation as follows: "The computer system of claim 1, wherein placing the computer system in a condition to deny further includes placing the computer system in a locked state in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access." see column 2, lines 30-32 (. . . computer system may disable access to a portion of the hard disk drive . . .).

Regarding claim 7, Poisner meets the claimed limitation as follows: "The computer system of claim 1, a memory circuit storing operating system code whose execution by the at least one processor implements an operating system for controlling the operation of the computer system; and wherein the operating system code includes code whose execution places the computer system in a condition to deny access to computer information accessible by the computer system in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access." see column 2, line 66 to column 3, line 8.

Regarding claim 10, Poisner meets the claimed limitation as follows: "The computer system of claim 1 wherein: the memory having means for determining that the identification signal detection circuit has not received the wireless identification signal for a predetermined period of time is implemented in the identification signal detection circuit; and the identification signal detection circuit provides a response signal in response to a determination that the identification signal detection circuit has not received for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access." see column 3, lines 10-14 and column 4, lines 8-30.

Regarding claim 11, Poisner meets the claimed limitation as follows: "The computer system of claim 10 wherein the identification signal detection circuit generates an interrupt in response to a determination that the identification signal detection circuit has not received the wireless identification signal for a predetermined period of time." see column 3, lines 9-17; column 4, lines 8-30 and Figure 1, elements 100 and 110.

Regarding claim 12, Poisner meets the claimed limitation as follows: "The computer system of claim 10 wherein the identification signal detection circuit asserts a #PME signal in response to a determination that the identification signal detection circuit has not received the wireless identification signal for a predetermined period of time." see column 3, lines 9-17 and Figure 1, elements 100 and 110.

Regarding claim 13, Poisner meets the claimed limitation as follows: "The computer system of claim 12 further comprising: a chipset circuit having an input to

receive the #PME signal from the identification signal detection circuit." see column 3, lines 9-17 and Figure 1, elements 100 and 110.

Regarding claim 14, Poisner meets the claimed limitation as follows: "The computer system of claim 1 wherein the memory having means for determining whether the user of the device and the memory having means for determining that the identification signal detection circuit has not received the wireless identification signal for a predetermined period of time, are both implemented in the same memory circuit of the identification circuit." see column 2, line 66 to column 3, line 8.

Regarding claim 15, Poisner meets the claimed limitation as follows:
"The computer system of claim 1 wherein the identification signal detection circuit is operably coupled to a power managed computer bus." see column 2, lines 24-28 and column 5, lines 33-37.

Regarding claim 16, Poisner meets the claimed limitation as follows:
"The computer system of claim 1 wherein: the identification signal detection circuit has an output to provide an indication signal indicating that the identification signal detection circuit has received a wireless identification signal containing identification information of the user of the device determined to have authorized access; and wherein the indication signal is provided in response to receiving a wireless identification signal containing identification information of the user of the device determined to have authorized access after a predetermined period of time of not receiving an identification signal containing identification information of the user of the device determined to have authorized access." see column 4, lines 8-30.

Regarding claim 17, Poisner meets the claimed limitation as follows:

"The computer system of claim 16 wherein:

the identification signal detection circuit is operably coupled to the at least one processor via a computer bus substantially conforming to a PCI Local Bus Specification; and the indication signal includes an assertion of the #PME signal." see column 3, lines 9-17; column 4, lines 8-30 and Figure 1, elements 100 and 110.

Regarding claim 18, Poisner meets the claimed limitation as follows:

"The computer system of claim 1 further comprising: a memory having means for placing the computer system in a higher power state from a lower power state if it is determined that the identification signal detection circuit has received a wireless identification signal containing identification information of the user having authorized access." see column 2, line 66 to column 3, line 8 and column 4, lines 8-30.

Regarding claim 21, Poisner meets the claimed limitation as follows:

"A method for controlling access to computer information comprising:

providing an authorized user identification device;" see column 2, line 10 (key device)

"providing a computer system" see Figure 1, element 170.

"sending a wireless identification signal by the identification device, the wireless identification signal including identification information regarding one or more users of the device;

receiving, independent of a conscious access action by the user, the wireless identification signal by a non-light-of-sight proximity range actuated detection circuit

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coupled to the computer system;" see column 3, lines 10-17 (. . . checks for the presence of an authentic key device . . .); column 3, lines 50-58 and column 4, lines 8-30

"determining whether the user as indicated by the wireless identification signal has authorized access to computer information accessible by the computer system; maintaining the computer system in a low power state except when the user identification device is in the proximity range;" see column 2, lines 21-35 (. . . non-operational low power mode . . .)

"and granting and maintaining access to computer information accessible by the computer system if it is determined that the user as indicated by the wireless identification signal is authorized access and remains in the proximity range, wherein the granting access to computer information accessible by the computer system further includes placing the computer system in a higher power state from the lower power state." see column 4, lines 8-30.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,108,785 granted to Poisner and further in view of U.S. patent 5,960,085 granted to de la Huerga.

Regarding claim 5, Poisner discloses everything claimed as applied above (see claim 1), however Poisner fails to specifically teach a condition to deny further includes logging a user off of the computer system in response to the identification signal detection circuit not having received for a predetermined period of time, a wireless identification signal containing identification information from the user having authorized access. De la Huerga teaches an automated access control system using a security badge where a user is automatically logged off of the system when the security badge does not provide a response to the periodic recommitment signal sent from the computer terminal (see column 13, lines 47-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Poisner's apparatus for preventing unauthorized access to a computer system with de la Huerga's system for controlling access to a computer system. One of ordinary skill would have been motivated to automatically log-off a user after a preset time limit in order to prevent an intruder from gaining access to the computer terminal (see de la Huerga; column 4, line 66 to column 5, line 11)

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Hiles (US 6,360,326) discloses a method for "locking" and "unlocking" a security system based on a predetermined time period established when the user logs in to the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew B Smithers
Primary Examiner
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